

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA

Reginald Brown, #00264654, *a/k/a Niccolo Don Emperor*, #264656,

Plaintiff,

v.

D. Boccabello, K. Conrad, Mr. Lewis,
Susan Duffy, P. Phillips, Steve McCarthy,
C. Hindburg, R.L. Turner, Mr. Bennette,
Mr. S. Williams, John Stirling, General
Counsel, Willie Davis,

Defendants.

C/A No. 4:19-cv-3587-JFA-TER

ORDER

Plaintiff, Reginald Brown, #00264654, *a/k/a Niccolo Don Emperor*, #264656, a self-represented state prisoner, brings this civil rights action pursuant to 28 U.S.C. § 1915; § 1915A. In accordance with 28 U.S.C. § 636(b) and Local Civil Rule 73.02(B)(2) (D.S.C.), the case was referred to the Magistrate Judge for initial review.

Plaintiff filed his complaint on December 30, 2019. (ECF No. 1). By order dated March 24, 2020, the Magistrate Judge provided Plaintiff the opportunity to file an amended complaint to correct deficiencies identified by the court which would warrant summary dismissal pursuant to § 1915 and § 1915A. (ECF No. 7). Plaintiff failed to file an amended complaint or otherwise correct the deficiencies.

After reviewing the complaint and specifically advising Plaintiff of deficiencies in his pleadings, the Magistrate Judge assigned to this action¹ prepared a thorough Report and

¹ The Magistrate Judge's review is made in accordance with 28 U.S.C. § 636(b)(1)(B) and Local Civil Rule 73.02(B)(2)(d) (D.S.C.). The Magistrate Judge makes only a recommendation to this

Recommendation (“Report”). (ECF No. 13). Within the Report, the Magistrate Judge opines that the complaint is subject to summary dismissal pursuant to 28 U.S.C. § 1915(e)(2)(B) for failure to state a claim upon which relief can be granted. *Id.* Thus, the Report recommends that this matter be summarily dismissed with prejudice and without issuance and service of process. The Report sets forth, in detail, the relevant facts and standards of law on this matter, and this Court incorporates those facts and standards without a recitation.

Plaintiff was advised of his right to object to the Report, which was entered on the docket on May 6, 2020. *Id.* The Magistrate Judge required Plaintiff to file objections by May 20, 2020. *Id.* Plaintiff failed to file objections or otherwise address the deficiencies in his complaint. Thus, this matter is ripe for review.

A district court is only required to conduct a *de novo* review of the specific portions of the Magistrate Judge’s Report to which an objection is made. *See* 28 U.S.C. § 636(b); Fed. R. Civ. P. 72(b); *Carniewski v. W. Virginia Bd. of Prob. & Parole*, 974 F.2d 1330 (4th Cir. 1992). In the absence of specific objections to portions of the Magistrate’s Report, this Court is not required to give an explanation for adopting the recommendation. *See Camby v. Davis*, 718 F.2d 198, 199 (4th Cir. 1983).

Here, Plaintiff has failed to raise any objections and therefore this Court is not required to give an explanation for adopting the recommendation. A review of the Report and prior orders indicates that the Magistrate Judge correctly concluded that the Plaintiff’s

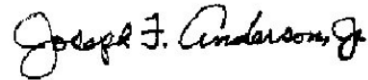
Court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the Court. *Mathews v. Weber*, 423 U.S. 261 (1976).

pleadings fail to state a claim and should be dismissed pursuant to 28 U.S.C. § 1915(e)(2)(B).

After carefully reviewing the applicable laws, the record in this case, and the Report, this Court finds the Magistrate Judge's recommendation fairly and accurately summarizes the facts and applies the correct principles of law. Accordingly, this Court adopts the Magistrate Judge's Report and Recommendation and incorporates it herein by reference. (ECF No. 13). Consequently, this matter is summarily dismissed with prejudice and without issuance and service of process.

IT IS SO ORDERED.

May 28, 2020
Columbia, South Carolina

A handwritten signature in black ink that reads "Joseph F. Anderson, Jr." in a cursive script.

Joseph F. Anderson, Jr.
United States District Judge